

Mr Matthias Oel
Directorate-General Migration and Home Affairs
European Commission
Brussels

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Our ref: CAB/ANRA/398/2020
Please quote when replying.

Warsaw, 14 January 2020

Subject: Written questions (E-003553/2019, E-003554/2019, E-003555/2019), submitted by MEP Özlem Demirel (Group of the European United Left - Nordic Green Left) to the Commission.

Dear Mr Oel, *Matthias Oel*,

In response to your letter dated 17 December 2019, I am pleased to share with you responses to the three written questions (E-003553/2019, E-003554/2019, E-003555/2019), submitted by MEP Özlem Demirel requesting information about the Agency's Multipurpose Aerial Surveillance Service in Croatia, the functioning of the Agency's complaint mechanism, and the Agency's monitoring of social networks.

Please kindly transmit the provided information to the Honourable Member of the European Parliament.

Yours sincerely,


Fabrice Leggeri
Executive Director

CC: Mr Istvan Dobo, Unit B.1

Answer to the written question E-003553/2019

Subject: Frontex's Multipurpose Aerial Surveillance Service in Croatia

All the aerial surveillance services provided by Frontex are under the same framework contract known as Frontex Aerial Surveillance Services (FASS). Under this framework contract, airplanes are leased for a specific timeframe and the service is currently being provided in two different ways.

The first is the aerial surveillance performed in the context of Frontex coordinated Joint Operations (JO). This service aims to complement and contribute, in terms of technical means, to the support in border surveillance activities provided by the participating Member States involved in Frontex JO. The overall planning, coordination and implementation of the patrolling activities as well as ensuring the effective operational response is performed by the Host Member State in the International Coordination Centre (ICC) of the JO in coordination with Frontex. The surveillance is conducted based on the respective operational plan of the JO.

The second use of the FASS leased airplanes is under the Multipurpose Aerial Surveillance (MAS), which is one of the services provided by Frontex in the framework of the Eurosur/Copernicus Fusion Services. The MAS concept is based on the collection of data and a full-motion video, by means of sensors installed on an aerial asset, which are then continuously streamed in real-time to the European Monitoring Team at Frontex HQ in Warsaw, enabling an immediate coordinated response.

The primary objective of MAS is to enrich the situational picture through real-time surveillance of the external borders of the European Union in combination with other services. In the course of real-time surveillance, MAS contributes to:

- monitoring of designated pre-frontier areas
- implementation of Coast Guard functions
- situational awareness acting as an early warning mechanism
- inter-agency and Member States cooperation.

During the missions, Member States' authorities are represented in the European Monitoring Team by experts while the real-time video is also streamed to the respective National authorities and coordination centres (MRCCs, NCCs, ICCs).

The European Monitoring Team mirrors the structure of a Eurosur National Coordination Centre aggregating multiple authorities and supporting their decision-making capability. It consists of experts with different backgrounds (i.e. law enforcement, search and rescue, fisheries control).

Following a sighting performed by MAS, in case of a need for an immediate operational reaction, the information is passed in real time to relevant Member States' authorities and other entities for the follow-up activity.

MAS was launched as a pilot project in 2017 (27 March - 11 April) in the Central Mediterranean Sea with the cooperation of Italy, Malta, Frontex and EFCA. As the pilot project proved to be a success, realising its potential to support situation monitoring in the Central Mediterranean Sea, it was resumed as a fully fledged surveillance activity from 8 June 2017.

Since 2017, MAS has expanded on different moments to various locations of the EU: Central Mediterranean Sea, Western Balkans, Aegean Sea, Black Sea, Slovakia, Poland, southern Portugal and Denmark.

As part of the EU-wide surveillance approach, MAS supports in real-time and across the whole of the EU and its pre-frontier area the surveillance capabilities of the Agency and the Member States. In case of a need, MAS real-time aerial surveillance and other situation monitoring activities can be focused on specific areas of interest, including in the pre-frontier area.

Answers to the questions:

1. *Was Frontex MAS and FASS aerial reconnaissance near Croatia's EU external border asked for and ordered, and what agreements were concluded for that purpose?*

Upon a request of NCC Croatia, MAS has been deployed in Croatia since July 2018 and is planned to operate in the Western Balkans in 2020. The monitoring activities are focused on Croatia's land border with Bosnia and Herzegovina and on a wide maritime area in the Adriatic Sea (areas between Croatia, Italy and Montenegro). One Croatian expert supports the activities of the European Monitoring Team at Frontex.

2. *For how long has Frontex been conducting surveillance of Croatia's EU external border, using MAS and FASS, and how far into the country's interior have flights penetrated?*

Frontex has been conducting aerial surveillance of Croatia's EU external border since July 2018. All the flights have been performed within the EU borders and no activity in third countries has been executed so far.

3. *How many officials from which Member States are currently working in the FSC and the European Monitoring Team, and how many of Frontex's own staff are employed there?*

The number and composition of experts from the Member States supporting FSC's real-time monitoring activities varies depending on the monitored areas. The current figures are:

- a. Experts from Member States supporting MAS: 9 (5 Italian, 2 Portuguese, 1 Latvian, 1 Greek). On the 15th of January 2020 operations in Croatia will be resumed after an operational pause and one expert from this Member State will join the EMT.
- b. Currently, Frontex Situation Centre composes of a total of 42 staff members. Out of these, 6 are permanently assigned to manage MAS activities.

Answer to the written question E-003554/2019

Subject: Frontex's assistance with illegal push-backs from Croatia

First of all, please note that Frontex is responsible for operational activities being organised/coordinated by the Agency. The allegations mentioned in your letter do not fall under the scope of the Agency due to the following reasons.

No Frontex coordinated Joint Operation (JO) is carried out at the aforementioned Croatia-Bosnia and Herzegovina green border section as the Croatian authorities have not requested Frontex presence along the Croatia-Bosnia and Herzegovina green border.

The only Frontex coordinated operational activity at the Croatia-Bosnia and Herzegovina border is the JO Focal Points Land, implemented at the Border Crossing Points (BCP) located at the EU external border. Within the frame of this JO, primarily forged document experts are involved in checking passengers crossing the border - among others - between Croatia and Bosnia and Herzegovina using the BCPs (in this case BCP Stara Gradiska and BCP Nova Sela).

Members of the teams when deployed in Frontex coordinated operational activities (e.g. within the frame of the above mentioned JO Focal Points Land), have an obligation to report all incidents concerning suspected violations of Fundamental Rights. No incident with such content has been reported so far from the BCP Stara Gradiska and BCP Nova Sela.

Having in mind the above, Frontex does not have any direct information about incidents of alleged unprocessed returns except for the ones covered by the media and reported by NGOs.

It should also be highlighted that the EU legislator in the European Border and Coast Guard Regulation¹ has not entrusted Frontex - including its Fundamental Rights Officer and the Consultative Forum - with investigative powers for matters such as the one you raised. Frontex has no direct general control, nor mandate to investigate, nor disciplinary powers, over Member States border guard authorities.

Should such matter occur e.g. in a joint operation, Frontex has established a complaints mechanism in cooperation with the Fundamental Rights Officer according to the European Border and Coast Guard Regulation, to monitor and ensure respect for Fundamental Rights in all the activities of the Agency².

The complaints mechanism is without prejudice to access to administrative and judicial remedies and does not constitute a requirement for seeking such remedies.

Frontex takes very seriously all allegations reported to the Agency, however the ones raised in your letter are not in the context of a Frontex action and neither complaint mechanism nor serious incident reporting is applicable.

¹ Regulation (EU) 2019/1896 of 13 November 2019 on the European Border and Coast Guard (OJ L 295, 14.11.2019, p. 1).

² According to Art. 111. 2 of the EBCG Regulation, any person who is directly affected by the actions or failure to act on the part of staff involved in a joint operation and who considers himself or herself to have been the subject of a breach of his or her fundamental rights due to those actions or that failure to act may submit a complaint in writing to Frontex.

Answer to the written question E-003554/2019

Subject: Frontex probing of social networks

1. *What information that is searched for and found on the Internet serves strategic purposes, and what information is used in connection with Frontex operations?*

Frontex uses publicly available information on the internet in the political, economic, legal, social, environmental, etc. domain obtained mainly from news aggregators and alike (i.e.: google) in support of strategic reports like among others the Annual Risk Analysis 2019. The conclusions of the strategic analysis are also taken in consideration in the Planning of Joint Operations in hosting EU Member States and other operational activities.

2. *In what instances are personal data processed, too, and in what databases at Frontex or other agencies can they subsequently be saved?*

The new Regulation (EU) 2019/1896 which entered into force on 4 December 2019 allows the processing of personal data for the purposes mentioned in Art. 87. Currently, besides using personal data for administrative purposes (e.g.: staff data) only personal data related to suspects of cross border crime collected in debriefing interviews is collected, in accordance with the Management Board Decision 58/2015 of 18 December 2015 adopting Implementing Measures for processing personal data collected during joint operations, pilot projects and rapid interventions. This personal data is processed also in line with the European Data Protection Supervisor opinion C2015-0346, and holds a retention period of 90 days, after which the personal data is deleted. In accordance with the EDPS Opinion and Frontex legal framework, this personal data can be transferred to different EU Agencies. Frontex only transfers this data to Europol in line with the Agreement on Operational Cooperation between the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union ("FRONTEX") and the European Police Office ("EUROPOL") of 4 December 2015. At this current moment there are no other databases holding personal data beyond the one covered by the EDPS opinion, nor any other EU Agency receiving personal data from Frontex.

3. *What software from which manufacturers does Frontex use for automated Internet searching? What firms are commissioned to carry out the action concerned, and to what costs does that give rise?*

The Agency uses inter alia Frontex Media Monitor software developed by the EU Joint Research Centre. Media monitoring officers also use free and publicly available news aggregators such as e.g. News Now (Open source News aggregator), World Newspaper (Open source News aggregator) and internet search engines (e.g. Google, Bing). The annual cost of the Meltwater licence and Frontex Media Monitor is GBP 13,200 and EUR 70,000 respectively.